

## 37 Am. Jur. 2d Fraud and Deceit § 117

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### Fraud and Deceit

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#### IV. False Representations

##### F. Intent to Deceive, or to Induce Reliance; Knowledge of Falsity

###### 1. Necessity of Intent

### § 117. Immateriality of motive

[Topic Summary](#) | [Correlation Table](#) | [References](#)

#### West's Key Number Digest

West's Key Number Digest, [Fraud](#) 4

It is well settled that if fraud is established, the motive of the guilty party is immaterial.<sup>1</sup> While it is a significant fact tending to prove fraud, that a speaker profited by a misrepresentation,<sup>2</sup> a speaker may be guilty of fraud although the speaker acted without the motive of personal gain<sup>3</sup> or without having in fact derived any benefit or advantage from making the false representation.<sup>4</sup>

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#### Footnotes

- 1 [Claflin v. Commonwealth Ins. Co.](#), 110 U.S. 81, 3 S. Ct. 507, 28 L. Ed. 76 (1884); [Peter J. Hartmann Co. v. Capital Bank and Trust Co.](#), 296 Ill. App. 3d 593, 230 Ill. Dec. 830, 694 N.E.2d 1108 (1st Dist. 1998); [Spiess v. Brandt](#), 230 Minn. 246, 41 N.W.2d 561, 27 A.L.R.2d 1 (1950).
- 2 § 33.
- 3 [Whiting v. Price](#), 169 Mass. 576, 48 N.E. 772 (1897); [McDonald v. McNeil](#), 92 Vt. 356, 104 A. 337 (1918).
- 4 § 33.

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